



American Arbitration Association
Dispute Resolution Services Worldwide

Northeast Case Management Center
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Vice President

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Assistant Vice Presidents

950 Warren Avenue, East Providence, RI 02914
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FAX

Date: April 27, 2007

To
Joseph P. Asselta
Agovino & Asselta, LLP
170 Old Country Road
Suite 608
Mineola, NY 11501

William Gogel
A gulnick & Gogel, LLC
321 Broadway
New York, NY 10007

Fax Number: 516-248-9879
212-693-1666

From: Tanya Srbian

Number of Pages: 8 (including cover)

Re: 13 110 Y 00622 05
Shamrock Building Systems, Inc.
and
Rose Realty Corp.
Tempest Realty Corp.

THIS FAX TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IT MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL, PRIVILEGED OR OTHERWISE EXEMPT FROM DISCLOSURE. IF YOU ARE NOT THE INTENDED RECIPIENT OR THE PERSON AUTHORIZED TO DELIVER THIS FAX TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OF THIS FAX IS PROHIBITED. IF YOU HAVE RECEIVED THIS FAX IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT THE NUMBER LISTED ABOVE AND RETURN THE ORIGINAL FAX TO US BY FIRST CLASS MAIL AT THE ABOVE ADDRESS.



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VIA FACSIMILE

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Re: 13 110 Y 00622 05
Shamrock Building Systems, Inc.
and
Rose Realty Corp.
Tempest Realty Corp.

Dear Parties:

By direction of the Arbitrator we herewith transmit to you the duly executed Award in the above matter. This serves as a reminder that there is to be no direct communication with the Arbitrator. All communication shall be directed to the Association.

At this time we have verified with the arbitrators that they have submitted all requests for compensation and expenses in this matter. Accordingly, we have conducted a final reconciliation of the finances and are providing each party with a Financial History and Compensation Summary. If a party had any unused compensation deposits, we have issued a refund check that should arrive in the mail shortly.

Note that the financial reconciliation reflects costs as they were incurred during the course of the proceeding. Any apportionment of these costs by the arbitrator, pursuant to the Rules, will be addressed in the award and will be stated as one party's obligation to reimburse the other party for costs incurred.

All communications shall be directed to the Association.

Please note that the case file will be destroyed fifteen (15) months after the date of this letter.

We appreciate your selection of the AAA as your alternative dispute resolution provider in this matter. As always, please do not hesitate to contact me if you have any questions.

Sincerely,

Tanya Srabian
Case Manager
401 431 4813
Srabiant@adr.org

Supervisor Information: Heather Santo, 401 431 4702, SantoH@adr.org

Encl.

cc: John A. Pappalardo, Esq.

AMERICAN ARBITRATION ASSOCIATION
CONSTRUCTION ARBITRATION TRIBUNAL

SHAMROCK BUILDING SYSTEMS, INC., X

Case No.: 13 110Y 00622 05

Claimant,

- against -

ROSE REALTY CORP., and TEMPEST
REALTY CORP..

Respondents. X

I the undersigned Arbitrator having been designated in accordance with the arbitration provision in a Contract dated September 25, 2003 and by a Judgment dated May 16, 2006 rendered by New York State Supreme Court Judge Honorable Kibbie F. Payne under Index No.: 103822/05 bearing the caption Application of Daniel Maloney, Tempest Realty Corp., Liffey Van Lines, Inc., and Rose Realty Corp., against Shamrock Building Systems, Inc., and based upon my analysis of the documentary evidence and my evaluation of the credibility of the witnesses; and having been duly sworn and having duly heard the proofs and allegations of the parties I do hereby FIND as follows:

For the Claimant:

EXTRAS

Description	Subcontractor	Awarded Amount
Steel tonage increase for load requirements	Liberty Steel	24,050.00
CO#1, Added steel to increase elevator size	Liberty Steel	Zero
CO#2, Cut holes in beams for sprinkler pipe	Liberty Steel	Zero
Permits, fees, redesigns, etc.	Jae Ko & Associates	: 9,750.00
Permits, fees, redesigns, etc.	Outsource	3,439.00
Permits, fees, redesigns, etc.	EMR	9,218.00

SHAMROCK BUILDING SYSTEMS, INC.,

Claimant,

Case No.: 13 110Y 00622 05

- against -

ROSE REALTY CORP., and TEMPEST

REALTY CORP.,

Respondents.

Permits, fees, redesigns, etc.	DD Design Group	
CO#1, 2 &3 increased service to 800 amp for elevator upgrade, description and fire alarm revisions	Wainco Associates	19,941.00
Plumbing additions	Metrotech Mechanical	12,600.00
Re-work loading dock to accept new stair (CO#1)	Shannon Brothers	4,730.00
CO#1	Spectrum	8,180.00
See CO#1	Dember Construction	14,931.00
See CO#2	Dember Construction	17,821.00
See CO#3	Dember Construction	21,901.00
Additional drywall work per revised drawings	Dember Construction	35,966.50
Dry Pipe sprinkler system	Capitol Fire Sprinkler	€,500.00
CO#1 Roof insulation	Tailored Roofing	4,260.00
CO#1, install 8" channel in loading dock	Loading Dock, Inc.	zero
See CO#1	Knickerbocker	zero
Enclosing buildings/labor & burden	Shamrock	26,648.11
Enclosing buildings/trave/misc. materials	Shamrock	zero
Total Change Orders		250,194.61
10% FEE		25,019.46
10% OVERHEAD		25,019.46

SHAMROCK BUILDING SYSTEMS, INC.,
 Claimant,
 - against -
 ROSE REALTY CORP., and TEMPEST
 REALTY CORP.,
 Respondents.

Case No.: 13 1107 00622 05

Sales tax Charged on Materials	Selected Subcontractors	66,736.00

TOTAL EXTRAS AWARDED	\$366,969.53
BALANCE DUE ON CONTRACT	\$ 20,540.00
COUNSEL FEES	\$ 59,992.99
TOTAL	\$447,502.52

For the Respondents:

COUNTERCLAIM.....zero

Accordingly, I AWARD as follows:

- a) Respondents shall pay to the Claimant within thirty (30) days of the date of this award the sum of Four Hundred Forty Seven Thousand Five Hundred Two Dollars and Fifty Two Cents (\$447,502.52) plus 9% interest calculated from February 28, 2005 until the award is paid in full;
- b) The Administrative fees and expenses of the American Arbitration Association totaling \$10,750.00 and the compensation of the Arbitrator totaling \$17,662.50 shall be borne entirely by the Respondents. Therefore, the Respondents shall pay to the Claimant the sum of \$17,331.25 representing that portion of said fees in excess of the apportioned costs previously incurred by Claimant within thirty (30) days from the date of this award;
- c) The Claimant is to discharge all liens and pay all subcontractors not previously paid.
- d) The Respondents are jointly and severally responsible for the Award rendered herein.

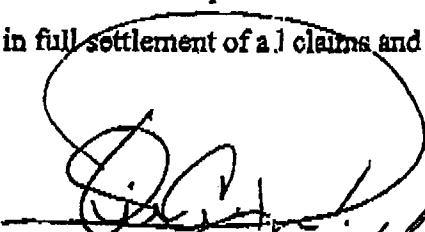
SHAMROCK BUILDING SYSTEMS, INC.,
Claimant,

- against -
ROSE REALTY CORP., and TEMPEST
REALTY CORP., Respondents.

Case No.: 13 110Y 00622 05

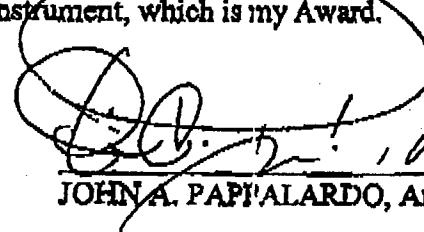
The above award is in full consideration for all claims presented and claims not appearing in the above award are denied. This award is in full settlement of all claims and counterclaims submitted to this Arbitration.

Dated: April 26, 2007


JOHN A. PAPPALARDO, Arbitrator

I, John A. Pappalardo, do hereby affirm upon my oath as Arbitrator, that I am the individual described in and who executed this instrument, which is my Award.

Dated: April 26, 2007


JOHN A. PAPPALARDO, Arbitrator

13-110-Y-00622-05
Shamrock Building Systems, Inc.

Administrative Fees and Expenses:

Filing Fees	\$6,000.00
Case Services Fee	\$2,500.00
Hearing Fees	\$0.00
AAA Room Rental Fee	\$0.00
Abeyance/Misc. AAA Fees	\$0.00
Non-AAA Conference Room Expenses	\$0.00
Misc Expenses	\$0.00
Your Share of Administrative Fees and Expenses:	\$8,500.00
Amount Paid for Administrative Fees and Expenses:	\$8,500.00
Balance Administrative Fees and Expenses:	\$0.00

Neutral Compensation and Expenses:

Your Share of Neutral Compensation and Expenses:	\$8,831.25
Amount Paid for Neutral Compensation and Expenses:	\$10,250.00
Balance Neutral Compensation and Expenses:	(\$1,418.75)

Party Balance: (\$1,418.75)

13-110-Y-00622-05
Rose Realty Corp.

Administrative Fees and Expenses:

Filing Fees	\$1,500.00
Case Services Fee	\$750.00
Hearing Fees	\$0.00
AAA Room Rental Fee	\$0.00
Abeyance/Misc. AAA Fees	\$0.00
Non-AAA Conference Room Expenses	\$0.00
Misc Expenses	\$0.00
Your Share of Administrative Fees and Expenses:	\$2,250.00
Amount Paid for Administrative Fees and Expenses:	\$3,000.00
Balance Administrative Fees and Expenses:	<u>(\$750.00)</u>

Neutral Compensation and Expenses:

Your Share of Neutral Compensation and Expenses:	\$8,831.25
Amount Paid for Neutral Compensation and Expenses:	\$10,250.00
Balance Neutral Compensation and Expenses:	<u>(\$1,418.75)</u>

Party Balance: (\$2,168.75)
